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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,070	11/07/2001	Takashi Okada	381NP/50632	4733

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Crowell & Moring LLP  
Intellectual Property Group  
P O Box 14300  
Washington, DC 20044-4300

EXAMINER

PAREKH, ANKUR

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/986,070	<b>Applicant(s)</b> OKADA ET AL.
	<b>Examiner</b> Ankur Parekh	<b>Art Unit</b> 3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 April 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-61 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1,17-22 and 59 is/are allowed.

6)  Claim(s) 2,3,8,60 and 61 is/are rejected.

7)  Claim(s) 4-6,9,23 and 24 is/are objected to.

8)  Claim(s) 7,10-16 and 25-58 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .      6)  Other: \_\_\_\_\_ .

## **DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 09/986,070 filed Nov 7, 2001. This action is in response to the Election and Amendment received on April 15, 2003. Claims 1-61 are pending.

### ***Election/Restrictions***

2. Claims 7, 10-16, and 25-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 3, 8, 60, and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US 2001/0013258-A1).

Referring to the embodiment shown in Fig. 11 of the publication, Kobayashi discloses an automatic transmission comprising: a first axis (69) for inputting power; a second axis (2) for outputting a driving force source; at least one first gear group (60, 61) which consists of a drive gear fixed on the first axis, and a driven gear provided so as to engage or run idle with respect to

the second axis while engaged with the drive gear; at least one second group (64, 65) which consists of a driven gear fixed on the second axis and a drive gear provided so as to engage or run idle with respect to the first axis while engaged with the driven gear; and a torque transferring mechanism (27) provided between the first gear group and the second gear group; wherein the torque is transferred from the first axis to the second axis with the torque transferring mechanism while shifting (note paragraph 65, ll. 5-10). Gear 60, which is fixed to the first axis, transfers torque to gear 73. Clutch 27 transfer the torque from gear 73 to gear 74. Torque is transferred from gear 74 to gear 65 through gear 64.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

***Allowable Subject Matter***

5. Claims 1, 17-22, and 59 are allowed.
6. Claims 4-6, 9, 23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okada et al. ('352), Schneider et al. ('856), Fujieda et al. ('312), Numazawa et al.

(‘607), Kayano et al. (‘052), and Kayano et al. (‘172) disclose transmissions with torque transferring mechanisms for transferring torque during a gear shift.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ankur Parekh whose telephone number is (703) 305-3795. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (703) 308-0830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Ankur Parekh  
June 29, 2003